

1 HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ESTHER L. ALLEY,
11 Plaintiff,

12 v.
13 CARRINGTON MORTGAGE SERVICES,
14 LLC, *et al.*,
15 Defendants.

Case No. 16-1796-RAJ

ORDER

16 This matter comes before the Court on Defendants Selene Finance, LP and MERS,
17 Inc.'s Motion to Dismiss, or in the Alternative, for a More Definitive Statement (Dkt.
18 # 6) and *pro se* Plaintiff Esther L. Alley's Motion to Amend (Dkt. # 8). For the reasons
19 that follow, the Court **GRANTS** Alley's motion and **DENIES as moot** Defendants'
motion.

20 On November 18, 2016, Alley filed the instant action alleging misconduct by
21 several entities connected to a mortgage foreclosure. Dkt. # 1-1. She also requested
22 leave to proceed *in forma pauperis*. Dkt. # 1. The Court granted her request. Dkt. # 2.
23 Two of the defendants, Selene Finance, LP and MERS, Inc., have since moved for
24 dismissal or a more definite statement. Dkt. # 6. In response, Alley requests that she be
25 permitted to amend her complaint. Dkt. # 8. In connection with her request, she filed a
26 proposed amended complaint. Dkt. # 10.

27 Because it has been more than twenty-one days since Alley filed her complaint,

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1 she may not file an amended complaint as a matter of course. Fed. R. Civ. P. 15(a)(1).
2 Instead, she must obtain the Court's leave. Under Rule 15(a)(2), the Court must "freely
3 give" leave to amend a pleading "when justice so requires." Fed. R. Civ. P. 15(a)(2).
4 "[T]his policy is to be applied with extreme liberality." *Owens v. Kaiser Found. Health*
5 *Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001) (quoting *Morongo Band of Mission Indians*
6 *v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990)).

7 Consistent with this policy, and considering Alley's status as a *pro se* litigant, the
8 Court finds that Alley is entitled to file an amended complaint. Accordingly, the Court
9 **GRANTS** Alley's Motion to Amend (Dkt. # 8) and **DENIES as moot** Defendants'
10 Motion to Dismiss, or in the Alternative, for a More Definitive Statement (Dkt. # 6). The
11 Court will construe Alley's Proposed Amended Complaint the operative complaint.
12 Dkt. # 10.

13 DATED this 25th day of May, 2017.
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19 The Honorable Richard A. Jones
20 United States District Judge
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